

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 99-054

March 31, 1999

LIGHTSHIP TELECOM, LLC
Petition for Approval of Proposed
Tariff For Local Exchange Service

ORDER APPROVING
TARIFF

WELCH, Chairman; NUGENT and DIAMOND Commissioners

In this Order, the Commission approves Lightship Telecom, LLC's (Lightship) Proposed Tariff For Local Exchange Service and allows the schedules to go into effect.

I. APPROVAL OF AUTHORITY TO SERVE

On September 10, 1998, in Docket No. 98-333, the Commission granted Lightship the authority to provide local exchange service in all areas within the State of Maine that are within the service territory of New England Telephone and Telegraph Company, d/b/a Bell Atlantic-Maine pursuant to 35-A M.R.S.A. §§ 2102, 2105. In granting that authority, the Commission ordered that Lightship "shall not provide local exchange service until it files with the Commission rates, terms and conditions for the provision of such service, and those rates, terms and conditions have been allowed to go into effect by the Commission."

II. APPROVAL OF TERMS AND CONDITIONS AND RATE SCHEDULES

On January 27, 1999, Lightship filed a proposed tariff containing schedules of terms and conditions and rates to implement its local exchange authority. Pursuant to discussions with the staff, Lightship filed a revised Page No. 75 on March 24, 1999.

We allow all of the terms and conditions filed by Lightship to go into effect. We have reviewed Lightship's terms and conditions and rate schedules, and they appear to comply with Maine law and the Commission's rules. Nevertheless, if there is any conflict between a provision in Lightship's terms and conditions and the Commission's rules or a statute, the rule or statute will govern.

In general, the Commission believes that a competitive telecommunications market results in services and rates that benefit the public. We believe that the acceptability of Lightship's services and rates in the market provides an adequate test of the reasonableness of Lightship's rates. Accordingly, we allow the rates proposed by Lightship on January 27, 1999 to go into effect.

III. NEED TO FILE AMENDED TERMS AND CONDITIONS IN ORDER TO EXPAND SERVICE TERRITORY

As we stated in our September 10, 1998 Order, Lightship's terms and conditions must specify the areas in which Lightship will actually provide originating and terminating local exchange service, and may do so by reference to incumbent local exchange carrier (ILEC) exchanges rather than by municipalities. In a recent order granting authority to serve and approval of the terms and conditions of CLEC Communications Design, Inc. (CDI), the Commission limited CDI's authority to provide facilities-based service to those areas where CDI expects to provide facilities-based service within a reasonable period of time. *Communications Design, Inc., Petition for Finding of Public Convenience and Necessity to Provide Service as a Local Exchange and as a Facilities-Based Interexchange Telephone Utility*, Docket No. 98-398 (March 17, 1999). The Commission stated that if CDI,

wishes to expand its local exchange service area in the future, it shall seek such approval pursuant to 35-A M.R.S.A. § 2102, requesting the Commission to amend this Order. CDI shall simultaneously file amended Terms and Conditions pursuant to 35-A M.R.S.A. § 307. With any such application, CDI shall include information establishing a readiness to provide facilities-based local service within a reasonable period of time in the specifically identified additional areas. It is not necessary for a Competitive Local Exchange Carrier (CLEC) with existing authority to present a full application in order to request additional service territory authority. The Commission will act expeditiously on such an application and Terms and Conditions revisions.

As noted above, the Commission has already granted Lightship authority to provide both resale and facilities-based local service within the Bell Atlantic service territory. At this time, the Commission will not reopen the order granting Lightship authority to provide local exchange service to limit its facilities-based service territory but instead will accept Lightship's terms and conditions which limit its service territory to 13 Bell Atlantic exchanges.¹ Lightship is free to file amended terms and conditions at any time expanding its resale service area. If Lightship wishes to expand its facilities-

¹ Lightship lists the following exchanges: Lewiston-Auburn, Augusta, Brunswick, Bangor, Lewiston, Biddeford, Machias, Ellsworth, Kennebunkport, Portland/South Portland, Waterville, Sanford, Westbrook, and York. Lewiston-Auburn and Lewiston are not separate exchanges; the Lewiston exchange includes the City of Auburn. We also note that Portland and South Portland are separate wire centers but are within the same exchange (Portland) and have identical calling areas. For each exchange, Lightship needs only 1 central office code. Accordingly, Lightship initially will need only 13 central office codes to serve 14 exchanges. Lightship filed a revised version of Page 75 which reflects these findings.

based local exchange service area, it must make a filing which includes amended terms and conditions as well as information establishing a readiness to provide facilities-based local service in that central office. We preliminarily determine that a "reasonable period of time" means within six months of the filing.

IV. ORDERING PARAGRAPHS

Accordingly, we

O R D E R

That the proposed terms and conditions and rate schedules identified as Maine P.U.C. Tariff No. 1 filed by Lightship Telecom, LLC, on January 27, 1999, and revised Page 75 filed on March 24, 1999, attached to this Order, shall be effective on the date of this Order.

Dated at Augusta, Maine, this 31st day of August, 2000.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 6(N) of the Commission's Rules of Practice and Procedure (65-407 C.M.R.11) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which consideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.